

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 4824

CORINNE A. MENDOZA
P.O. Box 703
Altaville Station
Angels Camp, CA 95221

Pharmacy Technician Registration No. TCH
33289

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on January 8, 2016.

It is so ORDERED on December 9, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 4824

13 **CORINNE A. MENDOZA**
P.O. Box 703
14 Altaville Station
Angels Camp, CA 95221

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Pharmacy Technician Registration No. TCH
33289**

16 Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.
22 She brought this action solely in her official capacity and is represented in this matter by Kamala
23 D. Harris, Attorney General of the State of California, by Karen R. Denvir, Deputy Attorney
24 General.

25 2. Respondent Corinne A. Mendoza ("Respondent") is representing herself in this
26 proceeding and has chosen not to exercise her right to be represented by counsel.

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1 3. On or about May 18, 2000, the Board of Pharmacy issued Pharmacy Technician
2 Registration No. TCH 33289 to Corinne A. Mendoza (Respondent). The Pharmacy Technician
3 Registration was in full force and effect at all times relevant to the charges brought in Accusation
4 No. 4824 and will expire on September 30, 2015, unless renewed.

5 JURISDICTION

6 4. Accusation No. 4824 was filed before the Board of Pharmacy (Board) , Department
7 of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
8 statutorily required documents were properly served on Respondent on July 30, 2014.
9 Respondent timely filed her Notice of Defense contesting the Accusation.

10 5. A copy of Accusation No. 4824 is attached as exhibit A and incorporated herein by
11 reference.

12 ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read, and understands the charges and allegations in
14 Accusation No. 4824. Respondent has also carefully read, and understands the effects of this
15 Stipulated Settlement and Disciplinary Order.

16 7. Respondent is fully aware of her legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
18 her own expense; the right to confront and cross-examine the witnesses against her; the right to
19 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
20 compel the attendance of witnesses and the production of documents; the right to reconsideration
21 and court review of an adverse decision; and all other rights accorded by the California
22 Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 CULPABILITY

26 9. Respondent admits the truth of each and every charge and allegation in Accusation
27 No. 4824.

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10. Respondent agrees that her Pharmacy Technician Registration is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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1 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
2 substances laws

- 3 ☐ a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
4 criminal complaint, information or indictment
- 5 ☐ a conviction of any crime
- 6 ☐ discipline, citation, or other administrative action filed by any state or federal agency
7 which involves respondent's pharmacy technician license or which is related to the
8 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,
9 or charging for any drug, device or controlled substance.

10 Failure to timely report any such occurrence shall be considered a violation of probation.

11 **3. Report to the Board**

12 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
13 designee. The report shall be made either in person or in writing, as directed. Among other
14 requirements, respondent shall state in each report under penalty of perjury whether there has
15 been compliance with all the terms and conditions of probation. Failure to submit timely reports
16 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
17 in submission of reports as directed may be added to the total period of probation. Moreover, if
18 the final probation report is not made as directed, probation shall be automatically extended until
19 such time as the final report is made and accepted by the board.

20 **4. Interview with the Board**

21 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
22 with the board or its designee, at such intervals and locations as are determined by the board or its
23 designee. Failure to appear for any scheduled interview without prior notification to board staff,
24 or failure to appear at two (2) or more scheduled interviews with the board or its designee during
25 the period of probation, shall be considered a violation of probation.

26 **5. Cooperate with Board Staff**

27 Respondent shall cooperate with the board's inspection program and with the board's
28 monitoring and investigation of respondent's compliance with the terms and conditions of her

1 probation. Failure to cooperate shall be considered a violation of probation.

2 **6. Notice to Employers**

3 During the period of probation, respondent shall notify all present and prospective
4 employers of the decision in case number 4824 and the terms, conditions and restrictions imposed
5 on respondent by the decision, as follows:

6 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
7 respondent undertaking any new employment, respondent shall cause her direct supervisor,
8 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
9 tenure of employment) and owner to report to the board in writing acknowledging that the listed
10 individual(s) has/have read the decision in case number 4824 and the terms and conditions
11 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or
12 supervisor(s) submit timely acknowledgement(s) to the board.

13 If respondent works for or is employed by or through a pharmacy employment service,
14 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
15 of the terms and conditions of the decision in case number 4824 in advance of the respondent
16 commencing work at each pharmacy. A record of this notification must be provided to the board
17 upon request.

18 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
19 (15) days of respondent undertaking any new employment by or through a pharmacy employment
20 service, respondent shall cause her direct supervisor with the pharmacy employment service to
21 report to the board in writing acknowledging that she has read the decision in case number 4824
22 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
23 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

24 Failure to timely notify present or prospective employer(s) or to cause that/those
25 employer(s) to submit timely acknowledgements to the board shall be considered a violation of
26 probation.

27 "Employment" within the meaning of this provision shall include any full-time,
28 part-time, temporary or relief service or pharmacy management service as a pharmacy

1 technician or in any position for which a pharmacy technician license is a requirement
2 or criterion for employment, whether the respondent is considered an employee,
3 independent contractor or volunteer.

4 **7. Reimbursement of Board Costs**

5 As a condition precedent to successful completion of probation, respondent shall pay to the
6 board its costs of investigation and prosecution in the amount \$2,410. Respondent shall make
7 payments according to a schedule approved by the Board. There shall be no deviation from this
8 schedule absent prior written approval by the board or its designee. Failure to pay costs by the
9 deadline(s) as directed shall be considered a violation of probation.

10 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to
11 reimburse the board its costs of investigation and prosecution.

12 **8. Probation Monitoring Costs**

13 Respondent shall pay any costs associated with probation monitoring as determined by the
14 board each and every year of probation. Such costs shall be payable to the board on a schedule as
15 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
16 be considered a violation of probation.

17 **9. Status of License**

18 Respondent shall, at all times while on probation, maintain an active, current pharmacy
19 technician license with the board, including any period during which suspension or probation is
20 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

21 If respondent's pharmacy technician license expires or is cancelled by operation of law or
22 otherwise at any time during the period of probation, including any extensions thereof due to
23 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all
24 terms and conditions of this probation not previously satisfied.

25 **10. License Surrender While on Probation/Suspension**

26 Following the effective date of this decision, should respondent cease work due to
27 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
28 respondent may tender her pharmacy technician license to the board for surrender. The board or

1 its designee shall have the discretion whether to grant the request for surrender or take any other
2 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
3 license, respondent will no longer be subject to the terms and conditions of probation. This
4 surrender constitutes a record of discipline and shall become a part of the respondent's license
5 history with the board.

6 Upon acceptance of the surrender, respondent shall relinquish her pharmacy technician
7 license to the board within ten (10) days of notification by the board that the surrender is
8 accepted. Respondent may not reapply for any license, permit, or registration from the board for
9 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
10 applicable to the license sought as of the date the application for that license is submitted to the
11 board.

12 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
13 **Employment**

14 Respondent shall notify the board in writing within ten (10) days of any change of
15 employment. Said notification shall include the reasons for leaving, the address of the new
16 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
17 shall further notify the board in writing within ten (10) days of a change in name, residence
18 address and mailing address, or phone number.

19 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
20 phone number(s) shall be considered a violation of probation.

21 **12. Tolling of Probation**

22 Except during periods of suspension, respondent shall, at all times while on probation, be
23 employed as a pharmacy technician in California for a minimum of 40 hours per calendar month.
24 Any month during which this minimum is not met shall toll the period of probation, i.e., the
25 period of probation shall be extended by one month for each month during which this minimum is
26 not met. During any such period of tolling of probation, respondent must nonetheless comply
27 with all terms and conditions of probation.

28 Should respondent, regardless of residency, for any reason (including vacation) cease

1 working as a pharmacy technician for a minimum of 40 hours per calendar month in California,
2 respondent must notify the board in writing within ten (10) days of cessation of work and must
3 further notify the board in writing within ten (10) days of the resumption of the work. Any
4 failure to provide such notification(s) shall be considered a violation of probation.

5 It is a violation of probation for respondent's probation to remain tolled pursuant to the
6 provisions of this condition for a total period, counting consecutive and non-consecutive months,
7 exceeding thirty-six (36) months.

8 "Cessation of work" means calendar month during which respondent is not
9 working for at least 40 hours as a pharmacy technician, as defined in Business and
10 Professions Code section 4115. "Resumption of work" means any calendar month
11 during which respondent is working as a pharmacy technician for at least 40 hours as
12 a pharmacy technician as defined by Business and Professions Code section 4115.

13 13. Violation of Probation

14 If a respondent has not complied with any term or condition of probation, the board shall
15 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
16 all terms and conditions have been satisfied or the board has taken other action as deemed
17 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
18 to impose the penalty that was stayed.

19 If respondent violates probation in any respect, the board, after giving respondent notice
20 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
21 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
22 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
23 a petition to revoke probation or an accusation is filed against respondent during probation, the
24 board shall have continuing jurisdiction, and the period of probation shall be automatically
25 extended until the petition to revoke probation or accusation is heard and decided.

26 14. Completion of Probation

27 Upon written notice by the board indicating successful completion of probation,
28 respondent's pharmacy technician license will be fully restored.

1 **15. No Ownership of Licensed Premises**

2 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
3 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
4 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
5 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
6 days following the effective date of this decision and shall immediately thereafter provide written
7 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
8 documentation thereof shall be considered a violation of probation.

9 **16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

10 Within thirty (30) days of the effective date of this decision, respondent shall begin regular
11 attendance at a recognized and established substance abuse recovery support group in California,
12 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board
13 or its designee. Respondent must attend at least one group meeting per week unless otherwise
14 directed by the board or its designee. Respondent shall continue regular attendance and submit
15 signed and dated documentation confirming attendance with each quarterly report for the duration
16 of probation. Failure to attend or submit documentation thereof shall be considered a violation of
17 probation.

18 **17. Random Drug Screening**

19 Respondent, at her own expense, shall participate in random testing, including but not
20 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
21 screening program as directed by the board or its designee. Respondent may be required to
22 participate in testing for the entire probation period and the frequency of testing will be
23 determined by the board or its designee. At all times respondent shall fully cooperate with the
24 board or its designee, and shall, when directed, submit to such tests and samples for the detection
25 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
26 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
27 of probation. Upon request of the board or its designee, respondent shall provide documentation
28 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is

1 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
2 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
3 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
4 shall be considered a violation of probation and shall result in the automatic suspension of work
5 by respondent. Respondent may not resume work as a pharmacy technician until notified by the
6 board in writing.

7 During suspension, respondent shall not enter any pharmacy area or any portion of or any
8 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
9 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
10 devices or controlled substances are maintained. Respondent shall not do any act involving drug
11 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
12 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
13 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
14 substances. Respondent shall not resume work until notified by the board.

15 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
16 Subject to the above restrictions, respondent may continue to own or hold an interest in any
17 licensed premises in which she holds an interest at the time this decision becomes effective unless
18 otherwise specified in this order.

19 Failure to comply with this suspension shall be considered a violation of probation.

20 18. Work Site Monitor

21 Within ten (10) days of the effective date of this decision, respondent shall identify a work
22 site monitor, for prior approval by the board, who shall be responsible for supervising respondent
23 during working hours. Respondent shall be responsible for ensuring that the work site monitor
24 reports in writing to the board quarterly. Should the designated work site monitor determine at
25 any time during the probationary period that respondent has not maintained sobriety, she shall
26 notify the board immediately, either orally or in writing as directed. Should respondent change
27 employment, a new work site monitor must be designated, for prior approval by the board, within
28 ten (10) days of commencing new employment. Failure to identify an acceptable initial or

1 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be
2 considered a violation of probation.

3 **19. Notification of Departure**

4 Prior to leaving the probationary geographic area designated by the board or its designee for
5 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in
6 writing of the dates of departure and return. Failure to comply with this provision shall be
7 considered a violation of probation.

8 **20. Abstain from Drugs and Alcohol Use**

9 Respondent shall completely abstain from the possession or use of alcohol, controlled
10 substances, dangerous drugs and their associated paraphernalia except when the drugs are
11 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
12 request of the board or its designee, respondent shall provide documentation from the licensed
13 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
14 treatment of the respondent. Failure to timely provide such documentation shall be considered a
15 violation of probation. Respondent shall ensure that she is not in the same physical location as
16 individuals who are using illicit substances even if respondent is not personally ingesting the
17 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
18 not supported by the documentation timely provided, and/or any physical proximity to persons
19 using illicit substances, shall be considered a violation of probation.

20 **21. Prescription Coordination and Monitoring of Prescription Use**

21 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
22 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
23 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
24 history with the use of alcohol and who will coordinate and monitor any prescriptions for
25 respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved
26 practitioner shall be provided with a copy of the board's accusation and decision. A record of this
27 notification must be provided to the board upon request. Respondent shall sign a release
28 authorizing the practitioner to communicate with the board about respondent's treatment(s). The

1 coordinating physician, nurse practitioner, physician assistant, or psychiatrist shall report to the
2 board on a quarterly basis for the duration of probation regarding respondent's compliance with
3 this condition. If any substances considered addictive have been prescribed, the report shall
4 identify a program for the time limited use of any such substances. The board may require that the
5 single coordinating physician, nurse practitioner, physician assistant or psychiatrist be a specialist
6 in addictive medicine, or consult a specialist in addictive medicine. Should respondent, for any
7 reason, cease supervision by the approved practitioner, respondent shall notify the board
8 immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement
9 physician, nurse practitioner, physician assistant, or psychiatrist of respondent's choice to the
10 board or its designee for its prior approval. Failure to timely submit the selected practitioner or
11 replacement practitioner to the board for approval, or to ensure the required reporting thereby on
12 the quarterly reports, shall be considered a violation of probation.

13 If at any time an approved practitioner determines that respondent is unable to practice
14 safely or independently as a pharmacy technician, the practitioner shall notify the board
15 immediately by telephone and follow up by written letter within three (3) working days. Upon
16 notification from the board or its designee of this determination, respondent shall be automatically
17 suspended and shall not resume practice until notified by the board that practice may be resumed.

18 During suspension, respondent shall not enter any pharmacy area or any portion of or any
19 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
20 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
21 devices or controlled substances are maintained. Respondent shall not do any act involving drug
22 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
23 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
24 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
25 substances. Respondent shall not resume work until notified by the board.

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Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
Subject to the above restrictions, respondent may continue to own or hold an interest in any
licensed premises in which he or she holds an interest at the time this decision becomes effective
unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

7-17-15


CORINNE A. MENDOZA
Respondent

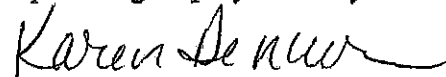
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
submitted for consideration by the Board of Pharmacy.

Dated: 10/12/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General



KAREN R. DENVIR
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4824

1 KAMALA D. HARRIS
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7 *Attorneys for Complainant*

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P.O. Box 703
14 Altaville Station
Angels Camp, CA 95221

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
33289

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about May 18, 2000, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 33289 to Corrine A. Mendoza (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on September 30, 2015, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4300 of the Code states in pertinent part:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

....

5. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

6. Section 4301 of the Code states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

.....

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

....

1 (k) The conviction of more than one misdemeanor or any felony involving the use,
2 consumption, or self-administration of any dangerous drug or alcoholic beverage, or
3 any combination of those substances.

4 (l) The conviction of a crime substantially related to the qualifications, functions, and
5 duties of a licensee under this chapter. The record of conviction of a violation of
6 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code
7 regulating controlled substances or of a violation of the statutes of this state
8 regulating controlled substances or dangerous drugs shall be conclusive evidence of
9 unprofessional conduct. In all other cases, the record of conviction shall be
10 conclusive evidence only of the fact that the conviction occurred. The board may
11 inquire into the circumstances surrounding the commission of the crime, in order to
12 fix the degree of discipline or, in the case of a conviction not involving controlled
13 substances or dangerous drugs, to determine if the conviction is of an offense
14 substantially related to the qualifications, functions, and duties of a licensee under this
15 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
16 contendere is deemed to be a conviction within the meaning of this provision. The
17 board may take action when the time for appeal has elapsed, or the judgment of
18 conviction has been affirmed on appeal or when an order granting probation is made
19 suspending the imposition of sentence, irrespective of a subsequent order under
20 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
21 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
22 dismissing the accusation, information, or indictment.

23 7. California Code of Regulations, title 16, section 1770, states:

24 For the purpose of denial, suspension, or revocation of a personal or facility license
25 pursuant to Division 1.5 (commencing with Section 475) of the Business and
26 Professions Code, a crime or act shall be considered substantially related to the
27 qualifications, functions or duties of a licensee or registrant if to a substantial degree
28 it evidences present or potential unfitness of a licensee or registrant to perform the
functions authorized by his license or registration in a manner consistent with the
public health, safety, or welfare,

COST RECOVERY

8. Section 125.3 of the Code states, in pertinent part, that the Board may request the
administrative law judge to direct a licensee found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Criminal Conviction)**

3 9. Respondent is subject to disciplinary action under Code section 4301, subdivision (l),
4 in that on or about December 3, 2012, in the case of *People v. Corinne Aileen Mendoza* (Superior
5 Ct. Calaveras County, Case No. 12T19019), Respondent was convicted by the court on her plea
6 of nolo contendere to violating Vehicle Code section 23152, subdivision (b) (operating a vehicle
7 while under the influence of alcohol or drugs while having a blood alcohol level of .08% or
8 greater), a crime that is substantially related to the qualifications, functions, or duties of a licensed
9 pharmacy technician. As part of her plea agreement, Respondent stipulated to a blood alcohol
10 level of .17 %, and admitted to having two prior convictions for driving under the influence. The
11 circumstances are as follows:

12 10. On or about August 11, 2012, Respondent was observed by a California Highway
13 Patrol (CHP) officer driving a vehicle in an erratic manner. Respondent's vehicle stopped twice
14 in the middle of an intersection and then drove off the roadway onto a dirt shoulder several times.
15 After initiating a traffic stop, the officer observed that Respondent was slurring her words, lacked
16 the ability to follow any directions, and was unable to converse in complete sentences.
17 Respondent was asked to stay in her vehicle but proceeded to exit her vehicle at least three times.
18 Respondent was also asked not to smoke until she was evaluated by CHP, but during this time she
19 proceeded to light four cigarettes. Respondent was unable to satisfactorily perform a series of
20 field sobriety tests, and refused to take a preliminary alcohol test.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Conviction of Multiple Crimes Involving Use of Alcohol)**

23 11. Respondent is subject to disciplinary action under section 4301, subdivision (k), in
24 that she was convicted of more than one misdemeanor or felony involving the use, consumption,
25 or self-administration, of any dangerous drug or alcoholic beverage, or any combination of those
26 substances. The circumstances are as follows:

27 ///

28 ///

1 a. On or about December 3, 2012, Respondent was convicted of violating Vehicle Code
2 section 23152, subdivision (b) (driving a vehicle with .08 percent or higher blood alcohol level),
3 as set forth in paragraphs 9 and 10, above, and incorporated herein by reference.

4 b. On or about January 11, 2007, Respondent was convicted of violating Vehicle Code
5 section 23152, subdivision (b) (driving a vehicle with .08 percent or higher blood alcohol level),
6 in Calaveras County Superior Court Case No. T15149. The circumstances are that on or about
7 November 5, 2006, CHP officers observed Respondent driving a vehicle in an erratic manner.
8 The speed of the vehicle was fluctuating from 35 to 55 miles per hour, the vehicle was swerving
9 left to right in a serpentine manner, and eventually drifted to the left and across the solid double
10 yellow lines several inches. A traffic stop was initiated and the officer smelled the strong odor of
11 alcohol emitting from Respondent's breath, and observed that she had red, watery eyes, and was
12 slurring her speech. Respondent failed to perform the field sobriety tests as explained, and
13 admitted that she had had "a couple of beers". Respondent elected to provide a blood sample
14 which showed her blood alcohol level to be .13 percent.

15 c. On or about March 8, 2004, Respondent was convicted of violating Vehicle Code
16 section 23152, subdivision (a) (driving a vehicle while under the influence of alcohol and/or
17 drug), subdivision (b) (driving a vehicle with .08 percent or higher blood alcohol level), and
18 section 20002 (hit and run) in Calaveras County Superior Court Case No. T12817. On or about
19 February 15, 2004, a police officer for the city of Angels was dispatched to a call of a hit and run
20 traffic collision that occurred between a pick up truck and a parked car on South Main Street in
21 Angels. Respondent was located at her residence on South Main Street, and was identified as the
22 driver of the pick up by her admission that she was driving at the time of the collision, the fact
23 that the vehicle was registered to her, and that she had a minor scrape on her arm that she stated
24 she received in the collision. Respondent stated she was driving her truck on South Main Street
25 and that her truck struck a parked vehicle on the side of the road. When asked why she did not
26 call the police about the collision, Respondent stated that she did not know. Respondent said that
27 she had been drinking beer before she drove home, that she had a prior DUI in 1995, and that she
28

1 had not had any alcohol since she arrived home. Respondent failed to perform the field sobriety
2 tests as required, and her breath test showed blood alcohol levels of .18 and .19 percent.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Use of Alcohol in a Manner Dangerous)**

5 12. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
6 that she used alcohol or dangerous drugs to the extent or in a manner to be dangerous or injurious
7 to herself or others. The circumstances are set forth in paragraphs 9, 10, and 11 above, and
8 incorporated herein by reference.

9 **DISCIPLINE CONSIDERATIONS**

10 12. To determine the degree of discipline, if any, to be imposed on Respondent,
11 Complainant alleges that on or about January 29, 2010, in a prior action, the Board of Pharmacy
12 issued Citation Number CI 2007 36436 and ordered Respondent to pay a \$250.00 fine. The
13 Citation was based on Respondent's 2004 and 2007 criminal convictions, which are described
14 more fully in paragraph 10, subdivisions (b) and (c), and herein incorporated by reference. The
15 Citation is now final and is incorporated by reference as if fully set forth.

16 **PRAYER**

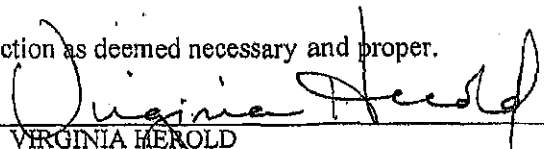
17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board of Pharmacy issue a decision:

19 1. Revoking or suspending Pharmacy Technician Registration Number TCH 33289,
20 issued to Corrine A. Mendoza

21 2. Ordering Corrine A. Mendoza to pay the Board of Pharmacy the reasonable costs of
22 the investigation and enforcement of this case, pursuant to Business and Professions Code section
23 125.3;

24 3. Taking such other and further action as deemed necessary and proper.

25 DATED: 10/21/13


26 VIRGINIA HEROLD
Executive Office
27 Board of Pharmacy
Department of Consumer Affairs
28 State of California
Complainant